IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Writ Petition No. 853 of 2004

Kisan Raj Waghri .. Petitioner
V/s.
State of Maharashtra and Anr. .. Respondents

Mr. S.P. Kanga with Ms. Anita G. Bhatwani for the Petitioner.
Mr. P.I. Khemani, AGP. for the Respondent Nos. 1 and 2.

CORAM : S. RADHAKRISHNAN &
S.A. BOBDE, JJ.
DATED : 05.10.2004.

P.C.:-

1. Heard the learned counsel for the Petitioner and the learned Assistant Government Pleader for the Respondent Nos. 1 and 2. By this Petition, the Petitioner is challenging the order dated 14.1.2003 passed by the Sub Divisional Officer, Ulhasnagar Division, Ulhasnagar. One of the main challenge is that the impugned order was passed without affording a fair opportunity of personal hearing to the Petitioner. The learned Assistant Government Pleader appearing for the Respondents does not dispute that no personal hearing was given to the Petitioner.

2. Under these circumstances, without going into the merits and demerits of the above matter, we are inclined to quash and set aside the order dated 14.1.2003 and remand back the matter to enable the Respondents to afford a fair opportunity of personal hearing to the Petitioner and dispose of the matter strictly on it’s own merits and in accordance with law.

This exercise shall be done by the Respondent as

expeditiously as possible preferably within a period of three months from today. Rule is made absolute in the above terms.

(S. RADHAKRISHNAN, J.)

(S.A. BOBDE, J.)